

EXHIBIT 9

Excerpts from Deposition Transcript of Michael W. Davis

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

AMENDED DEPOSITION
OF
MICHAEL DAVIS
THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
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06-15-17
8:56 A.M.

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1 Q. Okay. When you say our cycles overlap,
2 what's -- what are you describing there?

3 A. I'm sorry. Generally recruitment can be
4 a two or three year cycle because we start
5 recruiting students potentially even sophomores or
6 juniors in high school, so full year or two ---

7 Q. Okay.

8 A. --- prior to -- prior to them applying.
9 So those activities are happening while we are
10 still working to yield previous classes.

11 Q. Okay. So this is a plan --
12 communications plan for the entire office of
13 undergraduate admissions, but you in recruitment
14 have your own communications plan. Is that
15 correct?

16 A. Really the comprehensive communications
17 plan is the recruitment plan ---

18 Q. Okay.

19 A. --- with a few more operational or
20 evaluation communications thrown in.

21 Q. Okay. That's this document we're
22 looking at here?

23 A. Yes.

24 Q. Okay. I'll just read this first
25 sentence here. It says, "The purpose of our

1 commun" -- "comprehensive communications plan is
2 to identify communication strategies and tactics
3 to help address the four major priorities of the
4 Office of Undergraduate Admissions: 1, great care;
5 2, recruit top NC in students who contribute to
6 diversity; 3, improve the transfer experience; and
7 4, evaluate students respectfully and in ways that
8 advance our mission." Are these four -- are these
9 actually major -- the four major priorities of the
10 Office of Undergraduate Admissions today?

11 A. They have been through the time that
12 I've been here. At a recent leadership meeting,
13 we were talking about this summer revisiting them
14 and seeing if we want to make any modifications
15 for successive years.

16 Q. And were these the four major priorities
17 before you started at UNC?

18 A. I believe so, yes.

19 Q. All right. Do you know why these four
20 in particular were selected to be the four major
21 priorities?

22 A. I do not.

23 Q. You don't. Have you had any discussion
24 since you started about -- scratch that.

25 Number 2, "recruit top NC in students

1 that ---

2 Q. Okay.

3 A. --- the college board provided us.

4 Q. I see. Do you know why -- starting with
5 the test scores, why these test scores were set as
6 a threshold for categorizing top NC?

7 A. No.

8 Q. Have you had any discussions about that
9 threshold with anyone in the office?

10 A. No.

11 Q. Do you have an opinion as to whether or
12 not that is the correct threshold?

13 A. No.

14 Q. No. Have you had any conversations
15 about -- excuse me, do you know why the top 3
16 percent was selected?

17 A. No.

18 Q. Have you had any conversations with
19 anybody in the office about that?

20 A. No.

21 Q. "Students who contribute to diversity,"
22 what is included in that group?

23 A. So diversity broadly defines -- really
24 any students can contribute to diversity. For the
25 purposes of some for our more focused initiatives,

1 we are looking specifically at students from
2 African-American, Hispanic-Latino, Native American
3 backgrounds, first-generation-college students
4 and/or students from a lower socioeconomic
5 background.

6 Q. Great. Any time we take about diversity
7 for the rest of the day, feel free to qualify it
8 in that way just so we're talking about the same
9 thing. I'll try to do so as well.

10 Do you know why these particular groups
11 were selected to -- for this category of "students
12 who contribute to diversity"?

13 A. Why, collectively, no, I do not.

14 Q. You don't. Have you had any
15 conversations with anybody about why these are
16 students who were included in the goal for
17 contributing to diversity here?

18 A. No.

19 Q. Do you know why Asian-American
20 applicants aren't included in this definition?

21 A. No.

22 Q. Under the next paragraph it says, "Note,
23 items in green are primary initiatives for the
24 communications team for 2015 and 2016." What is
25 the communications team?

1 referencing for each class roughly?

2 MS. COMBS: Object to form.

3 A. Roughly for the past two years at least,
4 it has been between 80 and 90,000 students total.

5 Q. (Mr. Weir) And what percentage of that
6 number from the search roughly speaking?

7 A. It's a little bit difficult to answer
8 because this -- I do not have any reports that
9 show me the origin source of a student, so there
10 are many students that existed in our database
11 prior to this because they had visited or had
12 inquired or met us on travel and then later we
13 purchased their name. So they would have a source
14 code or a -- not a course code, but they would be
15 tagged with, you know, whatever group they showed
16 up in, even though they had existed prior to that.

17 Q. I see. When you purchase scores from
18 the College Board or the ACT, do they tell you how
19 many names they're sending you?

20 A. Yes.

21 Q. And in a given class, how many names --
22 how many applicants does that add up to?

23 A. Can you restate that question?

24 Q. Sure. When you purchase, let's say --
25 let's use last year for example, of the -- how

1 many names did the College Board and the ACT send
2 UNC admissions office per class?

3 A. I believe last year it was somewhere in
4 the 70,000's -- between 70 and 80,000.

5 Q. Okay. So between 70 and 80,000 of the
6 80 and 90,000 students you have per class come
7 from the search, right?

8 A. Either come from the search or we obtain
9 additional information about the students from
10 search.

11 Q. The -- just staying on the same page,
12 page 3 of this exhibit, the order -- 2015 Order
13 4a-Access," under "Test" it says, "Low SES 110 to
14 129 or 1100 to 1290." Would that be students with
15 a low socioeconomic status?

16 A. That is how I would read that, yes.

17 Q. Is that a band of data that the
18 admissions office purchases today?

19 A. It is included in the overall purchase,
20 yes.

21 Q. It's not something your purchase
22 separate and apart from any other list?

23 A. For -- for this North Carolina buy, no.
24 We purchase all students in that 1100 ---

25 Q. Okay. So that would ---